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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,035	01/22/2004	Mark Logan	N0023/293139	6985

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/763,035	Applicant(s) LOGAN ET AL.	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-16, 18-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 7, 9, 10 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 11-13, 18, 19, 24 and 26 is/are allowed.
- 6) ☐ Claim(s) 1-4, 6, 14-16, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) 7 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brohard et al., US005174642A.

3. With respect to claim 1 and 20, Brohard et al teaches an mounting device for connecting an electrical fixture 12 to a junction box 22 that is mounted to a wall or ceiling surface 14. The mounting device comprising a canopy element 52 that covers the junction box 22 upon connection of the mounting device to the junction box 22; a connector (bracket 24) that connects to the electrical fixture (lighting fixture 12) and is disposed between the canopy element 52 and the junction box 22; and a universal mounting plate (central horizontal portion of bracket 24) integrally formed with the connector (bracket 24) that connects to the junction box 22. The connector (bracket 24) has a depending hook 44 which is removably

engagable with a loop bracket 44 on the electrical fixture (lighting fixture 12) to support the electrical fixture from the junction box 22, wherein the canopy element 52 is secured without any screws engaging or passing through the canopy element.

4. With respect to claims 3, 4, and 6, Brohard teaches flanges extending from opposite sides of the bracket 24 with holes and screws 34 extending through the holes of the flanges. See figure 1.

5. With respect to claim 14, Brohard teaches the junction box mounted flush with the ceiling. See figure 1.

6. Claims 1, 3, 4, 6, 14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Steenhoven et al., US4162779.

7. With respect to claim 1 and 20, Steenhoven teaches a mounting device for connecting an electrical fixture 14 to a junction box 12 that is mounted flush to a wall or ceiling surface (not labeled). The mounting device comprising a canopy element 38 that covers the junction box 12 upon connection of the mounting device to the junction box 12; a connector (mounting adapter 20) that connects to the electrical fixture 14 and is disposed between the canopy element 38 and the junction box 12; and a universal mounting plate integrally formed with the connector (adaptor is

the same as the mounting plate) that connects to the junction box 12. The connector (adapter 20) has depending hooks 30 which is removably engagable with a slots 34 and 36 to support the electrical fixture from the junction box 12, wherein the canopy element 38 is secured without any screws engaging or passing through the canopy element.

8. With respect to claims 3, 4, and 6, Steenhoven teaches a pair of apertures 26 on opposite sides of the connector 20 for receiving screws. See figure 3.

9. With respect to claim 14, Steenhoven teaches the junction box mounted flush with the ceiling. See figure 1 and 2.

10.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brohard et al., US005174642A in view of Gray, US 3402494.

13. Gray teaches an exit sign comprising a canopy 116 that covers a junction box (not labeled), a connector 114 that connects to the electrical fixture (exit sign 20) disposed between the fixture and the junction box. The exit sign 20 comprises a housing 21, indicia 25, and an illumination means 79. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the electrical fixture taught by Brohard et al. in the form of an exit sign as taught by Gray to provide a means to convey a message to the viewer.

14. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brohard et al., US005174642A. The examiner take OFFICIAL NOTICE that mounting junction boxes either recessed within a wall or ceiling or mounted extending outside of the wall ceiling surface is well known in the art and providing a mounting device connected to a junction box mounting either flush with, recessed within, or extending outside of the wall or ceiling surface would have been obvious to one having ordinary skill in the art at the time this invention was know to accommodate any mounting of any existing mounted junction box.

Allowable Subject Matter

15. Claims 11-13, 18, 19, 24, and 26 are allowed.

16. Claims 8 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Election/Restrictions

Claims 7, 9, 10, and 22 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 24, 2005.

The requirement is still deemed proper and is therefore made FINAL.

Claims 5, 17, and 25 have been canceled.


Response to Arguments

17. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
February 2, 2007